

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JEFFREY LUCKY,

Petitioner,

vs.

Civil Action 2:09-CV-809  
Judge Smith  
Magistrate Judge King

WARDEN EDWARD SHELDON,

Respondent.

ORDER

On October 19, 2010, the United States Magistrate Judge recommended that this action be dismissed as procedurally defaulted. *Report and Recommendation*, Doc. No. 12. Although the parties were advised of their right to object to the recommendation and of the consequences of their failure to do so, there has nevertheless been no objection to the recommendation.

The *Report and Recommendation*, doc. No. 12, is hereby **ADOPTED AND AFFIRMED**. This action is hereby **DISMISSED** as procedurally default.

The Clerk shall enter **FINAL JUDGMENT** in this action.

s/George C. Smith  
George C. Smith, Judge  
United States District Court